

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

| | | |
|--------------------------------|---|-------------------|
| MARSHALL JACKSON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | 3:07-cv-2-RLY-WGH |
| |) | |
| DR. ALEX PLATZ, |) | |
| RITA ETIENNE, R.N., |) | |
| SUPERINTENDENT GILBERT PETERS, |) | |
| SUPERINTENDENT DONALD STIEN, |) | |
| |) | |
| Defendants. |) | |

**ORDER ON PLAINTIFF'S MOTION FOR
ORDER COMPELLING DISCOVERY**

This matter is before the Honorable William G. Hussmann, Jr., United States Magistrate Judge, on Plaintiff's Renewed Objections and Motion for Order Compelling Discovery as to defendants Dr. Alex Platz and Rita Etienne filed May 24, 2010. (Docket No. 150). A Response was filed by these defendants on June 15, 2010. (Docket No. 156). No reply brief has been filed.

The Magistrate Judge, being duly advised, now **GRANTS, in part,** and **DENIES, in part,** the motion to compel as follows:

1. With respect to Request for Production 1, defendants must produce any and all policies regarding orthopaedic medical shoes that are in their personal possession or control. This means that if such policies are available to them at the location where they perform their duties, they must obtain such copies from their offices and adjacent libraries or records rooms. They are not required to search

the Indiana Department of Correction files in any other locations for other policies, rules, or regulations.

2. With respect to Request for Production 6, the motion to compel is **DENIED**, except that each defendant must produce from their personnel files any disciplinary sanctions that have been administered to them arising out of a failure to provide proper treatment to inmates. The items produced may be redacted to remove identifying information concerning the inmates at issue, unless it is with respect to the plaintiff himself.

3. With respect to Request for Production 8, defendants' response as reflected in the letter dated May 13, 2010, is sufficient, and the motion to compel is **DENIED**.

4. With respect to Request for Production 9, defendants' response as reflected in the letter dated May 13, 2010, is sufficient, and the motion to compel is **DENIED**.

5. With respect to Request for Production 13, defendants' response as reflected in the letter dated May 13, 2010, is sufficient, and the motion to compel is **DENIED**.

6. With respect to Request for Production 14, defendants' response as reflected in the letter dated May 13, 2010, is sufficient, and the motion to compel is **DENIED**.

7. With respect to Request for Production 15, the motion to compel is **GRANTED**, and defendants shall provide a copy of Correctional Medical Services

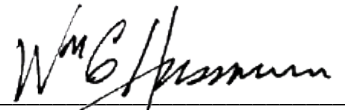
Policy No. 30.05 in effect at the current time or during the dates that the plaintiff has alleged in his Complaint. The Magistrate Judge believes that these defendants should have reasonable access to Department of Correction policies to enable them to perform their services and should search the areas described in paragraph 1 of this order.

8. Response to Request for Admissions: Plaintiff's request for additional responses to the Second Request for Admissions 6, 7, 8, and 17 is **DENIED** for the reasons specified in the letter of May 13, 2010.

To the extent the plaintiff seeks to compel additional information, that motion to compel is **DENIED**, as the plaintiff's brief does not state with specificity what other relief he is requesting with respect to any other items.

SO ORDERED.

Dated: July 12, 2010


William G. Hussmann, Jr.
United States Magistrate Judge
Southern District of Indiana

Copies to:

MARSHALL JACKSON
11048
Indianapolis Re-Entry Educational Facility
401 N. Randolph Street
Indianapolis, IN 46201

Neal F. Bailen
STITES & HARBISON, LLP
nbailen@stites.com

Lynne Denise Hammer
OFFICE OF THE INDIANA ATTORNEY GENERAL
Lynne.Hammer@atg.in.gov

Jeremy Michael Padgett
TYRA LAW FIRM P.C.
jerry.padgett@tyralaw.net

Bruce Benjamin Paul
STITES & HARBISON, LLP
bpaul@stites.com

Kevin C. Tyra
THE TYRA LAW FIRM, P.C.
kevin.tyra@tyralaw.net

Cory Christian Voight
INDIANA OFFICE OF THE ATTORNEY GENERAL
cory.voight@atg.in.gov